

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #2	CCRB Case #: 201705611	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/13/2017 12:00 AM, Wednesday, 06/14/2017 6:20 AM	Location of Incident: § 87(2)(b)	Precinct: 09	18 Mo. SOL 12/14/2018	EO SOL 12/14/2018	
Date/Time CV Reported Tue, 07/11/2017 4:39 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 07/11/2017 4:39 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. CPT Joseph Matzinger	00000	927158	NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Antonio Arroyo	08685	934421	009 PCT
2. DT3 Roy Abounaoum	1848	945448	NARCBMS
3. SGT Christopher Tabb	315	920880	NARCBMS
4. POM Christopher Villanueva	09927	949947	NARCBMS
5. DT3 Herbert Medina	00602	943560	NARCBMS
6. DT3 Edwin Cabrera	5166	946811	NARCBMS
7. SGT Ivan Furda	02221	938512	NARCBMS

Officer(s)	Allegation	Investigator Recommendation
A. CPT Joseph Matzinger	Abuse: Captain Joseph Matzinger entered and searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
B. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
E. An officer	Abuse: An officer threatened to damage § 87(2)(b) s property.	§ 87(2)(b)

Case Summary

On July 11, 2017, § 87(2)(b) submitted the following complaint in person at the CCRB.

At approximately 6:20 a.m. on June 14, 2017, § 87(2)(b) was asleep in his apartment at § 87(2)(b) in Manhattan. § 87(2)(b) was in bed with his wife, § 87(2)(b). In the bedroom next door were his son, § 87(2)(b) and his § 87(2)(b)-old grandson, § 87(2)(b). He was awoken by a loud bang at the front door and someone saying “Police Department,” as officers, under the supervision of Captain Joseph Matzinger of Manhattan South Narcotics, entered the apartment with their guns drawn (**Allegation A: Abuse of Authority:** § 87(2)(g)). From inside of her room, § 87(2)(b) heard an officer say “shut the fuck up” and to “get the fuck on the ground” (**Allegation B: Discourtesy:** § 87(2)(g)). Officers entered § 87(2)(b)'s room and instructed him to get on the ground. § 87(2)(b) began to move toward the ground. As he was halfway to the ground, an officer pushed him onto the ground chest-first and placed his foot on § 87(2)(b)'s back (**Allegation C: Force:** § 87(2)(g)). An officer entered § 87(2)(b)'s room and in the process of handcuffing her grabbed her arm and kned her in the back, causing pain in her back and bruising to her arm (**Allegation D: Force:** § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were taken to the living room. An officer threatened to “fucking trash” and “fuck up” the apartment if they did not show him what he wanted (**Allegation E: Abuse of Authority:** § 87(2)(g), and within Allegation B). The same officer told § 87(2)(b) that he knew § 87(2)(b) “won a fucking lawsuit” (within Allegation B). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b) (Board Review 10) (Board Review 11).

No video footage was found by the investigation in regards to this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Captain Joseph Matzinger entered and searched § 87(2)(b) in Manhattan.

§ 87(2)(b) was interviewed at the CCRB on July 11, 2017. § 87(2)(b) provided a telephone statement to the CCRB on July 26, 2017 (Board Review 01). Detective Roy Abounaoum of Manhattan South Narcotics was interviewed on August 22, 2017. Detective Herbert Medina of Manhattan South Narcotics was interviewed on September 5, 2017. Detective Edwin Cabrera of Manhattan South Narcotics was interviewed on September 26, 2017. Police Officer Antonio Arroyo of the 9th Precinct was interviewed on October 11, 2017. Sergeant Christopher Tabb of Manhattan South Narcotics was interviewed on November 2, 2017.

It is undisputed that on June 14, 2017, officers entered and searched § 87(2)(b)'s residence pursuant to a valid search warrant, #§ 87(2)(b), issued to Detective Roy Abounaoum on § 87(2)(b), and executed under the supervision of Captain Matzinger (Board Review 02). § 87(2)(g)

Allegation B – Discourtesy: Officers spoke discourteously toward § 87(2)(b)
Allegation D – Force: An officer used physical force against § 87(2)(b)
Allegation E – Abuse of Authority: An officer threatened to damage § 87(2)(b)s property.

In her telephone statement, § 87(2)(b) alleged that when officers first arrived, she heard them shout “get the fuck on the ground” and “shut the fuck up.” After officers entered her bedroom, an officer kned her in the back as he placed her in handcuffs. § 87(2)(b) was taken to the living room, where an officer said, “You can tell me where the stuff is, or we can fuck up the apartment,” threatened to “fucking trash the apartment,” said, “It would be a shame if we fucked up your apartment,” and stated that he knew § 87(2)(b) “won a fucking lawsuit.” § 87(2)(b) did not make any of these FADO allegations in his sworn statement to the CCRB.

§ 87(2)(b) scheduled and missed interview appointments on both July 31, 2017, and September 14, 2017, without calling ahead to cancel or reschedule. § 87(2)(b) also scheduled and missed interview appointments on July 31, 2017, and September 15, 2017.

A search of the New York City Department of Correction website on January 9, 2017, indicated that § 87(2)(b) was not incarcerated.

To date, despite being aware of the CCRB’s desire to obtain a sworn statement from her, § 87(2)(b) has missed two interview appointments and has not contacted the CCRB since her last scheduled interview appointment. § 87(2)(g)

Allegation C – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) stated that he was with § 87(2)(b) in their bedroom when the officers arrived and that he remained there throughout the time the officers used physical force against him.

In contrast, § 87(2)(b) stated that § 87(2)(b) was never in their bedroom during the incident, and that she did not witness any force that was used to place him in handcuffs. She believed that he was in their son § 87(2)(b)s bedroom. Likewise, Detective Medina and Detective Cabrera both stated that § 87(2)(b) was in § 87(2)(b)s room when the officers first arrived.

§ 87(2)(b) described the officer who used force against him as an approximately 5’7” to 5’8” tall plainclothes Hispanic male with black hair, approximately 200 pounds, and dark colored eyes. Later, this officer told him that his name was “Detective Arroyo.”

Police Officer Arroyo is an approximately 5’5” tall Hispanic male with black hair who weighs 180 pounds and has brown eyes. Police Officer Arroyo stated that at the time he arrived at the apartment, § 87(2)(b) and his family were already handcuffed and seated on the couch in the living room. § 87(2)(b) stated that an approximately 5’7” to 5’8” tall Hispanic male

officer with a medium build arrived at the apartment approximately thirty minutes after the officers first arrived, and that during an encounter on an earlier date, this officer had identified himself as “Arroyo.”

§ 87(2)(b) described the other officer who made contact with him as an approximately 6’1” tall plainclothes Hispanic male officer with a bald head, light colored eyes, and an NYPD jacket.

Detective Medina stated that § 87(2)(b) had already been handcuffed and was on his feet when he first saw him. Detective Cabrera stated that he observed § 87(2)(b) being handcuffed but did not recall which officers did so. Sergeant Tabb and Detective Abounaoum denied being at the incident location at any point on the incident date, stating that they were executing a separate search warrant at different locations at that time.

The Tactical Plan and all relating documents for the search warrant executed at § 87(2)(b)s apartment on June 14, 2017, were requested from Manhattan South Narcotics on July 19, 2017. On October 24, 2017, a follow-up email was sent to IAB regarding the document request delay. On October 24, 2017, Detective Thomas Lee of Manhattan South Narcotics sent an email in response stating that Manhattan South Narcotics was unable to locate the Tactical Plan (Board Review 08). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB Case involving § 87(2)(b) (Board Review 03), and the second CCRB Case involving § 87(2)(b) (Board Review 04). § 87(2)(b)
- Captain Matzinger has been a member of the NYPD for seventeen years and has twenty-four allegations in ten previous cases with six substantiated allegations in two cases.
 - In CCRB Case #200715888, Captain Matzinger had allegations of vehicle stop, vehicle search, frisk, and search (of person) substantiated against him, and an allegation of physical force was unfounded. The CCRB board recommended charges against him, and the NYPD disposition was ‘No Disciplinary Action.’
 - In CCRB Case #201308911, Captain Matzinger had allegations of use of pepper spray and physical force substantiated against him. The CCRB Board recommended charges against him, and the NYPD disposition was ‘Formalized Training.’

Mediation, Civil and Criminal Histories

- This case was deemed unsuitable for mediation because § 87(2)(b) filed a civil lawsuit in regards.
- As per the New York City Comptroller's Office, a Notice of Claim has been filed in regards to this incident (Board Review 09). § 87(2)(b) is claiming an injury to his right shoulder, false imprisonment, malicious prosecution, and intentional infliction of emotional distress. He is seeking \$1,000,000 in recompense. § 87(2)(b) is claiming an injury to her left shoulder and her lower back, intentional infliction of emotional distress, and malicious prosecution. She is seeking \$1,000,000 in recompense. § 87(2)(b) is claiming injury to his lower back, intentional infliction of emotional distress, and malicious prosecution. He is seeking \$1,000,000 in recompense. § 87(2)(b) is claiming intentional infliction of emotional distress and malicious prosecution. He is seeking \$1,000,000 in recompense.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad 2

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date